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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,934	10/01/2001	Chiyo Matsumi	MTS-3279US	8806
7590	11/28/2005		EXAMINER	
Ratner & Prestia One Westlakes Berwyn Suite 301 PO Box 980 Valley Forge, PA 19482-0980			VU, VIET DUY	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/937,934	MATSUMI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Viet Vu	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 September 2005.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 13-19 and 21-52 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 13-19 and 21-52 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**Art Rejections:**

1. The texts of 35 U.S.C. 102(e) and 103(a) cited in the previous office action are hereby incorporated by reference.

2. Claims 13-19, 21, 27-32, 35, 38-39, 42, 45 and 52 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Saeijis et al, U.S. pat. no. 6,556,590.

Per claims 13-15, 18-19 and 21, Saeijis discloses a system and method for processing and reproducing audio/video data transmitted via transmission medium comprising:

- a) a time generating means (132, 133, fig. 18) for generating time interval information (see col 22, lines 48-57);
- b) a receiver/recorder (e.g., digital VCR) having an outputting means (130, 138, fig. 18) for outputting a stream data based on the generated predetermined time interval information and a buffering means (131, 137, fig. 18) for storing output stream data and time interval information (see col 22, lines 58-66);
- c) a sending means for dividing stream data into packet data and for sending the packet data over an synchronous channel (e.g., IEEE 1394) (col 21, lines 31-36, 47-51 and col 22, lines 42-46);
- d) a transmission managing means for entering the stream data to the sender based on predetermined time interval information (see col 21, lines 52-57).

Art Unit: 2154

Per claims 16-17, Saeijis teaches that time interval generating means may or may not include instruction for correcting time interval information in accordance with a condition of burden upon the sending means (see col 21, line 60 - col 22, line 41).

Claims 27-32, 35, 38-39, 42, 45 and 52 are similar in scope as that of claims 13-19 and 21.

3. Claims 22-26, 33-34, 36-37, 40-41, 43-44 and 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saeijis.

Per claims 22-26, Saeijis does not explicitly show specific start time calculation for a packet.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to realize such calculation of packet transmission start time in Saeijis to it allow the system to read out data properly (see col 22, lines 61-66).

Per claims 33-34, 36-37, 40-41, 43-44, 46-47 and 50-51, it would have been obvious to one of ordinary skill in the art at the time the invention was made to practice Saeijis' invention with any additional information stored within any part of the packet.

Per claims 48-49, it would have been further obvious to one of ordinary skill in the art at the time the invention was made to utilize corresponding program instructions for implementing Saeijis' invention.

**Response to Amendment:**

4. Applicant's arguments filed on 9/28/2005 with respect to claims 13-19 and 21-52 have been fully considered but are moot in view of new ground of rejection set forth above.

**Conclusion:**

5. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Art Unit: 2154

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU  
PRIMARY EXAMINER

Art Unit 2154  
11/22/05